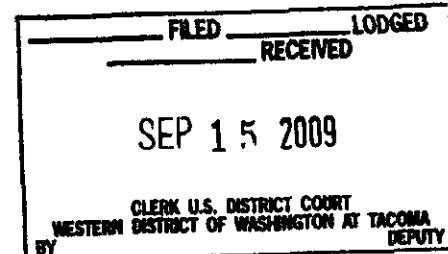




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13 UNITED STATES DISTRICT COURT
14 WESTERN DISTRICT OF WASHINGTON
15 AT TACOMA
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18 GREGORY TYREE BROWN,
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20 Plaintiff,

21 v.

22 DEVON SCHRUM et al.,
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24 Defendants.
25

26 No. 08-5326RBL/JRC

27 ORDER ADOPTING REPORT AND
28 RECOMMENDATION
29

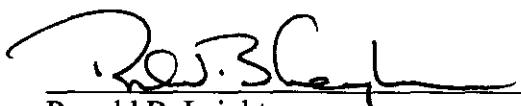
30 The Court, having reviewed the Report and Recommendation of Magistrate Judge J.
31 Richard Creatura, objections to the Report and Recommendation [Dkt. #86], and the remaining
32 record, does hereby find and ORDER:
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34 (1) The Court adopts the Report and Recommendation;
35
36 (2) Defendant Hotep was never served. Plaintiff has failed to show good cause for this
37 failure of service. The claim against this Defendant is DISMISSED WITHOUT
38 PREJUDICE.
39
40 (3) The remaining Defendants who were served are entitled to summary judgment as
41 they were not deliberately indifferent to a serious medical need given the facts
42 present to them.
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45 ORDER ADOPTING REPORT AND RECOMMENDATION- 1
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2 (4) The Clerk is directed to send copies of this Order to plaintiff, counsel for
3 defendants, and to the Hon. J. Richard Creatura.
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5 DATED this 14th day of September, 2009.
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8 Ronald B. Leighton
9 United States District Judge
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